

M. GALE LEMMON #4363  
Assistant Attorney General  
MARK L. SHURTLEFF #4666  
Attorney General  
Attorneys for Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, UT 84114  
Telephone (801) 538-3872

## BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF UTAH

**COMPLAINANT:**

UTAH INSURANCE DEPARTMENT

**RESPONDENT:**

LENDERS FIRST CHOICE AGENCY OF UTAH INC  
4308 W SILENT RAIN DR  
SOUTH JORDAN, Utah 84095

License No. 244662

**NOTICE OF INFORMAL  
ADJUDICATIVE PROCEEDING  
AND ORDER**

**2007-040 PC**

DOCKET No. \_\_\_\_\_

Enf. Case No. 1982

The Utah Insurance Department has commenced this informal adjudicative proceeding pursuant to Utah Code Ann. §§ 31A-2-201 and 63-46b-3 and Utah Admin. Code R590-160. Based upon information contained in agency files or known to the Commissioner, the Commissioner makes the following:

### **FINDINGS OF FACT**

1. Respondent is a title insurance agency authorized to do the business of insurance in the State of Utah holding License number 244662.
2. The Title and Escrow Commission adopted Utah Administrative Code, Rules R592-3 and R592-4, which became effective as of July 19, 2006.

3. Pursuant to the terms of said rules, the department would enforce them 90 days after their effective date, or October 17, 2006.

4. Said rules required the filing of escrow rates using a specified format by all title insurers, agencies and producers providing escrow services in Utah.

5. On July 28, 2006, the department mailed a "Notice" to all licensees required to file escrow rates with the department, notifying them of the effective dates of the rules and informing them that "a new Schedule of Minimum Charges for Escrow Services form must be filed no later than October 17, 2006.

6. Respondent failed to file a new Schedule of Minimum Charges for Escrow Services by October 17, 2006.

7. On January 7, 2007, the commissioner issued an Order, which was sent to the Respondent, requiring Respondent to file escrow rates with the department in accordance with Utah Administrative Code, Rules R592-3 and R592-4 on or before January 18, 2007.

8. As of the date of this Order, Respondent has not filed a new Schedule of Minimum Charges for Escrow Services as required.

Having entered his Findings of Fact, the Commissioner now enters his:

#### **CONCLUSION OF LAW**

1. In failing to file a new Schedule of Minimum Charges for Escrow Services Respondent has violated Utah Administrative Code, Rules R592-3 and R592-4 and the order of the commissioner dated January 7, 2006.

Based upon the foregoing Findings of Fact and Conclusions of Law, the Presiding Officer herewith enters the following Order:

**ORDER**

IT IS HEREBY ORDERED:

1. Respondent shall file a new Schedule of Minimum Charges for Escrow Services in accordance with Utah Administrative Code, Rules R592-3 and R592-4, to be received in the offices of the Utah Insurance Department no later than ten (10) days after the date this Order becomes final.

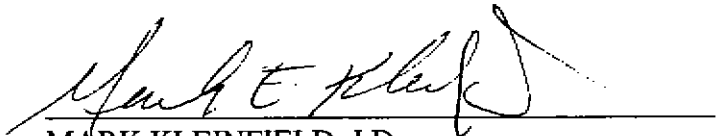
2. This Order shall become final fifteen (15) days after the date of mailing unless a written request for a hearing is received from the Respondent in the offices of the department prior to that date. A written request for a hearing shall be signed by the person making the request and shall state the basis for the relief requested.

IT IS FURTHER RECOMMENDED THAT THE TITLE AND ESCROW COMMISSION IMPOSE THE FOLLOWING PENALTY:

1. The Respondent be assessed an administrative forfeiture in the amount of \$500.00, to be paid within 10 days of the date this order becomes final.

DATED THIS 9 day of April, 2007.

D. KENT MICHIE  
INSURANCE COMMISSIONER




MARK KLEINFELD, J.D.  
ADMINISTRATIVE LAW JUDGE  
Utah Insurance Department  
State Office Building, Room 3110  
Salt Lake City, Utah 84114  
Telephone (801) 538-3800

**IMPOSITION OF PENALTY:**

By a vote of 4 to 0, taken in open meeting on this date, the Title and Escrow Commission hereby imposes the penalties recommended in the Order herein above.

Dated this 9<sup>th</sup> day of April, 2007.

  
\_\_\_\_\_  
DARWIN L. JOHNSON, Chairman  
Title and Escrow Commission

**NOTIFICATION**

If you request a hearing regarding this matter, the department will be represented by M. Gale Lemmon, Assistant Attorney General, State Office Building, Room 3110, Salt Lake City, Utah 84114, Telephone Number (801) 538-3890. Failure to request a hearing will be considered a failure to exhaust administrative remedies and will preclude any further administrative or judicial review or appeal of this matter.

You are further notified that a failure to obey an Order of the commissioner may subject you to further penalties, including forfeitures of up to \$5,000.00 per violation and the suspension or revocation of your license and the filing of an action to enforce this Order in District Court, which may impose forfeitures of up to \$10,000.00 per day for continued violation.

You are further notified that other jurisdictions in which you may be licensed may require that you report this action to them.

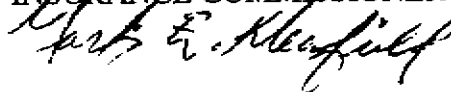
**Questions regarding this Adjudicative Proceeding should be directed to Sheila Curtis, at the Utah Insurance Department (801) 537-9003 or email at [smcurtis@utah.gov](mailto:smcurtis@utah.gov).**

**CONCURRENCE WITH COMMISSION IMPOSED PENALTY**

On behalf of the Commissioner of the Utah Insurance Department I hereby concur with the penalty imposed by the Utah Title Commission in the above matter.

DATED this \_\_\_\_ day of APR 09 2007 200\_\_.

D. KENT MICHIE  
INSURANCE COMMISSIONER



---

MARK E. KLEINFELD  
Administrative Law Judge

## CERTIFICATE OF MAILING

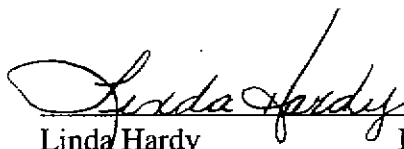
I do hereby certify that on this date I mailed, by regular mail, postage prepaid, a true and correct copy of the attached:

### NOTICE OF INFORMAL ADJUDICATIVE PROCEEDING & ORDER

To the following:

AMANDA GRACE COTTON  
LENDERS FIRST CHOICE AGENCY OF UT INC.  
4308 W SILENT RAIN DRIVE  
SOUTH JORDAN, UT 84095

DATED this 11<sup>th</sup> day of April, 2007



Linda Hardy Insurance Technician  
Utah Department of Insurance  
State Office Building, Room 3110  
Salt Lake City, UT 84114-6901  
(801) 538-8138

**UTAH**  
**Invoice - Original**

Page 1

Printed Date: April 11, 2007

Invoice Date: April 11, 2007  
Balance Due: \$500.00  
Due Date: May 06, 2007  
Invoice ID: 328814  
Payor ID: 15236

AMANDA GRACE COTTON  
LENDERS FIRST CHOICE AGENCY OF UTAH INC  
4308 W SILENT RAIN DR  
SOUTH JORDAN UT 84095

Item Description	Amount
4/11/2007 Monetary Penalty Agency	\$500.00
E-case 1982 Docket 2007-040 PC	
<b>Original Amount Due</b>	<b>\$500.00</b>

**UTAH**  
**Invoice - Original**

Invoice Date: April 11, 2007  
Balance Due: \$500.00  
Due Date: May 06, 2007  
Invoice ID: 328814  
Payor ID: 15236  
Payor Name: LENDERS FIRST  
CHOICE AGENCY OF  
UTAH INC

Make checks payable to: Utah Insurance Department

Send payment to:

Utah Insurance Department  
3110 State Office Building  
Salt Lake City, UT 84114-6901